

APPROVED: Meeting No. 5-81

ATTEST:

*William M. Hanna*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
MEETING NO. 3-81

January 26, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber Rockville City Hall, Maryland at Vinson Street, Rockville Maryland, on Monday, January 26, 1981, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Tyner

ABSENT

Councilman John Freeland  
(on City business)

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; Assistant City Manager Daniel Hobbs; Director of Public Works Robert Glodin; Director of Budget Anna Lee Berman; Superintendent of License and Inspection Paul Radauskas; Information Officer Sue M. Patterson; Director of Community Development and Housing Assistance Douglas Horne; Director of Finance John Lawton; Director of Planning James M. Davis.

Re: City Manager's Report

Mr. Blick reported the following:

1. The new commuter rail station opened today and is in operation. It will be early February before the existing station is moved.
2. The state of Maryland has approved a \$2,500 grant for the installation of symbolic signs in the City.
3. Tomorrow the County Council will be considering an emergency appropriation of \$4.8 million to complete the solid waste transfer station at Shady Grove and Route 355. This transfer station is needed to shorten the haul to Laytonsville. The bids received were higher than was budgeted, necessitating the emergency appropriations. If the appropriation is not made, the County runs the risk of rebid and delay of construction. He presented a statement to the Mayor and Council for their consideration to be sent to the County. Mayor Hanna asked that a statement

be sent on behalf of the Mayor and Council urging the appropriation to avoid any unnecessary delays.

Re: Appointments

Mayor Hanna made the following appointments:

Planning Commission: Member	Allen Pritchard (reappointment) (5 year term)
Board of Appeals: Alternate	Richard L. Arkin 525 Lynch Street (3 year term)
Energy Commission: Chairman	William Haberman (one year term)
Historic District Commission: Chairman	Charles Rand (one year term)
Civic Improvement Advisory Commission: Member	Ellen Dudley (reappointment) (2 year term)
Alternative Community Service Commission: Member	Thomas D. Murphy (reappointment) (one year term)

The appointments were confirmed by the Council.

Re: Award of Contract: Bid No. 25-81,  
Stonestreet Avenue, Landscaping

The proposed landscaping project will complete the widening and reconstruction of Stonestreet Avenue from Park Road northward to Lincoln Avenue. The project consists of the planting of street trees and shrubs to soften and screen the numerous industrial and commercial operations located along this avenue. Due to the widening of the road, the remaining right-of-way available for tree planting is minimal. For this reason, trees with a compact habit of growth were selected. In some areas shrubs were selected to screen storage yards and parking lots where available space was inadequate for tree planting. The trees and shrubs selected all provide seasonal interest in terms of spring flowers and fall color, and should improve the visual appearance of this area.

Bids were opened in the Council Chambers, City Hall, at 3:00 p.m., on January 8, 1981, for landscaping on Stonestreet Avenue. The bids were:

Paul E. Schlosser, Inc., Silver Spring, MD	\$10,757.00
Aspen Landscape Contractors, Silver Spring, MD	11,751.80
Chapel Valley Landscape Co., Woodbine, MD	12,459.00
Arbor Landscapers, Inc., Silver Spring, MD	12,808.00
Commercial Lawn Services, Inc., Rockville, Md	13,260.00
Greenbrier Farms Landscaping, Inc., Chesapeake, VA	13,726.00
Cox Nurseries, Inc., Silver Spring, MD	13,840.00

Stock Brothers, Inc., Rockville, MD	\$13,849.00
Davis Nurseries, Inc., Harrisburg, PA	14,998.00
Evergreen Nursery Corp., Oxon Hill, MD	16,425.00
Meadowview Farms Nursery, Burtonsville, MD	18,525.10
Natural Landscape Contractors, Inc., Silver Spring, MD	18,671.10
Patrick J. Ellis Custom Landscape Co.	18,824.25
Baumann Tree Experts, Inc., Rockville, MD	24,544.18

The project is funded by the Community Development Block Grant program. At the beginning of this project, \$7,000 was set aside for the planting of up to 166 small street trees. This amount is insufficient to provide the required number of trees at the minimum size specified by the city for street tree planting. The project as designed consists of the planting of 90 street trees and 255 shrubs along Stonestreet Avenue.

Staff recommends an award to Paul E. Schlosser, Inc., in the amount of \$10,757 as low bidder. The \$7,000 allocated under the CDBG fund can be used and the balance of the project, \$3,757.00 can be funded from contingency funds.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 25-81, Stonestreet landscaping, was awarded to Paul E. Schlosser, Inc., in the amount of \$10,757, using \$7,000 of CDBG funds and the balance from contingency.

Re: Award of Contract: Bid No. 26-81  
Automobiles

On January 8, 1981, bids were opened for providing the City with four 4-door compact police cars, six 2 door sedans, and one van . . . low vehicles.

The bids were as follows.

<u>VENDOR</u>	<u>Police Cars</u>	<u>Sedans</u>	<u>Van</u>
Chevy Chase Chevrolet, Bethesda, MD	\$8,364.07	\$5,047.71	\$7,497.37
Chriswell Chevrolet, Inc., Gaithersburg, MD	8,422.22	5,129.46	8,263.92
J.K.J. Chevrolet, Inc., Vienna, VA	8,484.00	5,018.06	7,381.04
Maryland Motors, Rockville, MD (Chrysler/Plymouth)	7,640.12	5,835.07	No Bid
Dick Stevens Chevrolet, Inc., Wheaton, MD	8,308.70	5,081.31	7,367.27
Watkins-Burdette Motor Co., Inc., Frederick, MD (Dodge)	No Bid	No Bid	7,676.31
Pohanka Oldsmobile, Marlow Heights, MD	7,846.66	6,589.47	6,570.20*
Steuart Ford, Lanham, MD	No Bid	5,460.00	7,516.00
Kaplan and Crawford, Marlow Heights, MD (Dodge)	7,531.00	5,822.00	No Bid
Glenmont Chrysler/Plymouth, Wheaton, MD	7,525.00*	5,816.00	No Bid
Sport Chevrolet Co., Silver Spring, MD	8,146.00	6,858.00*	7,353.00

\*Low Bid

Of the nine bids received for police cars, the first four low bidders did not meet specifications for engine size. Bid specifications called for an engine size of 350 cubic inches, therefore, the lowest bid meeting City specifications is Sports Chevrolet Company, Silver Spring, Maryland, in the amount of \$32,584.

Of the ten bids received for the sedans, the highest bid was 35% greater than the low bid of Sport Chevrolet Company, and four bids were within 5% of the low bidder.

Of the eight bids received for the van, the highest bidders was 26% greater than the low bid of Pohanka Oldsmobile (GMC), and three bids were within 12% of the low bidder.

Staff recommends that three awards be made as follows:

1. To Sport Chevrolet Company for \$32,584 for replacement of four police cars.
2. To Sport Chevrolet Company for \$29,148 for replacement of five, and addition of one, sedans with Chevette Scotter models.
3. To Pohanka Oldsmobile for \$6,570.20 for replacement of one van with a GMC model.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the Council agreed to award the bid as the staff recommended above: to Sport Chevrolet Company for \$32,584 for police cars, to Sport Chevrolet for \$29,148, and to Pohanka Oldsmobile for \$6,570.20 for one van.

Re: Proclamation: "Code Administrator Day"  
January 28, 1981

Proclamation No. 1-81

There being no objection from the Council, Mayor Hanna proceeded to issue Proclamation No. 1-81 proclaiming January 28, 1981 as Maryland Code Administrator Day in the City of Rockville. Councilwoman Fordham read the proclamation at the request of the Mayor in which it was urged that all citizens join in a salute to building officials and code administrators.

Re: Approval of Analysis of Water  
Plant Heating System for \$2,000

The heating system at the Water Filtration Plant requires substantial repair and replacement. A recently completed cleaning and adjustment of the system revealed 20 to 37 unit heaters were defective.

The water plant consumed 12,000 gallons of fuel oil last heating season at a cost of \$11,900. It is estimated the same amount of fuel consumption this year will cost \$14,200. Some adjustments have been made to reduce the

amount of space being heated, however, the system characteristics limit the savings to be gained in this manner.

Before spending money to replace the defective units in this system, the City could obtain an HVAC engineer's evaluation of the present system and possible alternatives. The FY 81 energy budget includes \$2,000 for an engineering study as part of the federal energy audit program. While the City rejected the federal audit grant due to the insufficient money awarded, the remaining City funds should cover the cost of a heating system only evaluation. Staff requests approval to spend up to \$2,000 for this purpose.

Assuming the improvements are completed at a cost of \$10,000, the total investment could be recovered in less than four years.

On motion of Councilman Tyner, duly seconded and unanimously passed, approval was given for a water plant heating system analysis. Councilman Tyner commented that it is an excellent idea.

Re: Adoption of Ordinance: To  
Amend the Master Plan to  
Delete the Connection of  
Yale Place to Gude Drive

Ordinance No. 2-81

Councilman Abrams moved, duly seconded, that the final paragraph of this ordinance be deleted. This paragraph states that the ordinance and the intersection deletion become null and void should the Gude Drive extension be realigned. Councilman Abrams said it is his feeling that the council could consider re-enstating the intersection amending the Master Plan if the Gude Drive realignment is ordered but it is surplus within the ordinance itself. Mayor Hanna stepped down from the chair and moved a substitute amendment that the council retain the language which states the City's intent that the Master Plan change be adopted on the basis of the current alignment; however, he was willing to drop the null and void language. It was his feelings that any further change would not keep faith with all the parties concerned by the intersection. Councilwoman Fordham said she could go along with Mayor Hanna's substitute amendment.

Councilman Abrams remained firm in his opposition to this change and felt that all reference to voiding the interchange should be deleted. He said he anticipates no realignment and it is his feeling that the citizens' greatest concern was the through road, the Yale Place extension, not Gude Drive. He said the language is redundant and surplus. There was no intent at anytime for a contingency. If the circumstances change it would be appropriate to come back and make

further changes. It was Councilwoman Fordham's feeling that the smaller deletion keeps pace with the compromise that was worked out. Councilman Tyner agreed. He said he has no problem going along with including the first sentence of the paragraph. Councilwoman Fordham asked the City Attorney if the sentence has any ~~substantive~~ effect on the re-opening of Yale, if Gude were realigned. The City Attorney told her it did not. Mayor Hanna's substitute amendment to the motion to delete the last sentence passed with Mayor Hanna and Councilmembers Fordham and Tyner voting aye and Councilman Abrams voting nay.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Ordinance No. 2-81, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, amending the Master Plan by deleting the connection of Yale Place to Gude Drive, was adopted by the Mayor and Council, Mayor Hanna and Councilmembers Fordham and Tyner voting aye and Councilman Abrams voting nay.

Councilman Abrams said that he is in total support of the deletion of the intersection of Yale Place from Gude Drive unconditionally. His only objection in his negative vote was to the surplusage which he does not believe expresses his intent nor does it express the intent of previous members of the council. Councilwoman Fordham disagreed with the statement. Mayor Hanna said as adopted, the ordinance agrees with what the council has said from the beginning and he would be happy to see that expressed in the minutes but not Councilman Abrams' comment on what the council said. Councilman Abrams said his feeling is that if the words do not mean anything, they should not be included.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Robert Jacques. Mr. Jacques said he has had Census figures presented him by Montgomery County Officials and it does look as though the City has lost more numbers in the count than it has lost in actuality and this should be protested. Mayor Hanna explained that the Census issue is now before the Supreme Court and the City has protested it as far as it is able to appeal, but at this point has made no progress.

2. Bernard Rabin. Mr. Rabin noted that he has seen on a future agenda, a public hearing on a text amendment that would delete beauty culture as an accepted use in the residential zone. He asked if this amendment would in effect take

it out completely. Mayor Hanna said it would if the text amendment were adopted. However, at the present time the City is in the preliminary stage and the public hearing will be held on February 9. He invited Mr. Rabin to participate by providing testimony at the hearing. Mr. Rabin said there are several other home businesses in his immediate neighborhood and he would like to see them deleted as a residential use. Mayor Hanna suggested that Mr. Rabin get together with Mr. Radauskas so he could explain the text amendment process to him.

3. Michael Gordon, president of the Civic Federation. Mr. Gordon presented the Mayor and Council with a directory published by the Federation, listing civic associations and government officials. He read a letter to the Council signed by him as president of the Federation, noting a resolution passed at the last Federation meeting, directing elected officials to resist any and all attempts by Montgomery County to delay the completion and opening of the Laytonsville landfill. He noted that the meeting had been attended by representatives of College Gardens, Americana Center, West End, Glenora Hills, Burgandy Knolls, Hungerford/Stoneridge and the Fallswood Civic Associations. Mayor Hanna thanked him for the book and for the support for the City's position.

Mr. Gordon thanked Mr. Davis for his presentation at the Civic Federation meeting.

4. Mr. David E. Betts. Mr. Betts reiterated his request to the Council that they urge government officials to improve the appearance of the post office at the corner of Montgomery and Washington Street which is in deplorable condition. He also noted that there should be increased police activity, whether city or county, since there were recently two daylight attacks on women in the city. He also noted the agenda item on the resolution annexation of his property and said he will not be disappointed if the Council votes to reject the resolution this evening.

5. Ms. Hood, of the Rockville Dancing School spoke to the Council and protested the continuance of ballet classes given by the city which compete with local business and for the past 15 years have been threatening to put Ms. Hood's school out of business. She referenced a letter that she had received from the Recreation and Park Advisory Board Chairman noting that they plan to endorse the continuance of the city's recreational dance class. She asked for further

Council assistance in canceling the city's classes. Mayor Hanna explained the work of the city's program. Councilwoman Fordham elaborated on the Mayor's remarks and explained that the Mayor and Council have looked at the situation and see no reason for a change in the city's classes. If Ms. Hood has some new information the Council would appreciate her sending it to them, and with the assistance of the Recreation and Parks Board they will reexamine the situation.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Resolution: To enlarge the Corporate  
Boundaries of the City of Rockville  
to include 9.69548 acres of land,  
D.E. and Maude W. Betts

Resolution No. 2-81

On motion of Councilman Tyner, duly seconded and unanimously passed, Resolution No. 2-81, the full text of which can be found in Resolution Book No. 7 enlarging the corporate boundaries of the city of Rockville, was adopted by the Mayor and Council. This annexation takes effect in 45 days.

Re: Introduction of Ordinance: To  
amend the Zoning Map by adding  
9.69548 acres of land, Betts  
property

On motion of Councilman Abrams, there was introduced upon the table an ordinance amending the zoning map by adding 9.69548 acres of land, said ordinance to lay over at least one week before final action is taken.

Re: Request for Waiver of fee for  
Nautical World

On November 12, 1980, the Planning Commission reviewed a use permit for Nautical World and found that conditions originally assigned had not been fulfilled. On December 10 they reconsidered the same use permit and found evidence of noncompliance. At that meeting they took action to revoke the use permit. The applicants asked for a refund of their original filing fee.

On motion of Councilman Tyner, duly seconded and unanimously passed, the request for a refund was denied.

Re: Decision and Instructions to staff  
re SCA-26-80, WMATA, Applicant, portion  
of Thompson Avenue

On motion of Councilman Tyner, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to grant the abandonment application for Thompson Avenue. (See next item)



Re: Decision and Instructions to staff  
re SCA-27-80, WMATA, Applicant, portion  
of Frederick Avenue

Councilman Tyner asked if the staff has yet resolved the pedestrian overpass problem with WMATA. The City Manager said WMATA had agreed to incorporate the City's suggestions into the design and a letter would be sent to the city confirming this, but no letter has been received. He noted that Metro is still opposed to funding a guardrail as the city suggested. Councilman Tyner moved, duly seconded to table this matter until a letter is received or the dollar amount is resolved. The Council discussed whether or not this should be tabled and also the following agenda item. Mr. Titus explained the legal ramifications of not granting it. The City Manager suggested that the Council proceed with its decision but instruct that it not be placed on an agenda until the matter is settled. Councilman Tyner, the maker of the motion, agreed to this and withdrew the motion to table. The seconder, Councilman Abrams, agreed.

On motion of Councilman Abrams, duly seconded and unanimously passed, staff was instructed to prepare the legal documentation to grant abandonment application SCA-27-80, but not to place these on an agenda until all negotiations have been completed. It was agreed that the same process would be followed with the previous abandonment decision.

Re: Decision and Instructions to staff  
re SCA-28-80, WMATA, Applicant,  
portion of Rollins Avenue

On motion of Councilman Abrams, duly seconded and unanimously passed, staff was instructed to prepare the legal documentation to grant abandonment application SCA-28-80, but not to place this on an agenda until all negotiations have been completed.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Nancy A. Hewitt, re thank you to police
2. Delegate Mark Pilchard, re triennial assessment.
3. Germaine Johnson, re resignation from Senior Citizen's Commission
4. William C. Turnage, re elderly housing in Rockshire
5. Letters from Laytonsville re landfill
6. Beth Barry, re summer recreation program

Re: Information Items

The Mayor and Council noted the following items of information:

1. ICMA Annual Report
2. Memo from City Manager re Summer Youth Employment Program.
3. Memo from Board of Election Supervisors re Unfair Campaign Practices  
Councilman Tyner suggested the Mayor and Council meet with the Board of Election of Supervisors to work out a mechanism for unfair campaign practices. Mayor Hanna said that was a good suggestion; however, he feels that the policing of the election should fall under the purview of the Board of Elections as all other items pertaining to an election and the Board of Elections would have final authority. He asked that the City Manager and the City Attorney look into the ordinance creating the Board of Election of Supervisors and increase the duties to include this.
4. Memo from Director of Public Works (1/7/81) re citizen complaint
5. Memo from Director of Recreation and Parks re Veirs Mill Road Landscaping
6. Lincoln Park Newsletter
7. Copy of letter from Partners for Livable Places re grants
8. Board of Public Works project grants
9. Memo from Director of Recreation and Parks re maintenance schedule for Mansion.

Re: New Business

1. Councilwoman Fordham noted that Delegate Forehand is working on the funding situation from WMATA for the pedestrian overpass at Frederick Avenue and has asked them to delete the cage look.
2. Councilwoman Fordham said a short time ago the Mayor and Council talked about a traffic control device for Lewis Avenue. She has since talked with the Traffic and Transportation Commission and the City Manager, and although they were anxious for a Civic Center demonstration, she does not feel that that is the best place. She has asked the director of Public Works to check with the District of Columbia government, which is at the present time experimenting with speed humps. She would like to see them placed in the city as soon as possible. Mayor Hanna agreed but did suggest before placement on any street that the neighborhood should be talked to and suggested this be accomplished through the civic association.
3. Mayor Hanna said it has always seemed to him that Abraham Lincoln's birthday February 12, should be a legal holiday in the City. It is currently a holiday in 22 states and should be one across the nation. Mr. Lincoln is perhaps the greatest president the United States has ever had and is recognized around the world as

the foremost defender of human rights. It would be most appropriate if the City recognized him in the same way. The only nationally honored American President is George Washington. The Mayor would like to be a part of a national movement for a holiday honoring Mr. Lincoln. He asked that this item be placed on next week's agenda.

4. The City Manager said that Montgomery County's Capital Improvements Program was received last week too late to be placed on the Council's agenda. A hearing will be held tomorrow evening. He has testimony this evening which he presented to the Council. The Council took a few moments to read it. Mayor Hanna said in noting the items addressed in the testimony, it would seem the whole future of Rockville is on the page; however, it is extremely understated. Councilwoman Fordham agreed. She said the testimony is quite bland and will need to be modified before being delivered. The Mayor and Council agreed that they would all speak at the public hearing, each taking a topic.

Re: Approval of Minutes

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 1-81, January 9, 1981, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 2-81, January 12, 1981, were approved as written.

Re: Executive Session

There being no further business to come before the Council in general session, the meeting was closed for executive session to discuss land disposition,

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 11:35 p.m. to convene again in general session on Monday, February 2, 1981, at 8:00 p.m., or at the call of the Mayor.